

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**JOHN PALMA and
KATHLEEN PALMA,**

Defendants.

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8:04CR422

ORDER

This matter is before the court on the motion to continue by the government (Filing No. 57), a Consent and Request for Continuance by defendant John Palma (Filing No. 58), and the oral motion of defendant Kathleen Palma which was made during a telephone conference with counsel and the undersigned magistrate judge on October 17, 2005. All of the parties seek a continuance of the trial scheduled for November 7, 2005. Following consultation with Judge Smith Camp's scheduling personnel, the motions will be granted. Upon the representations of counsel, John Palma and Kathleen Palma will file their affidavits on or before October 21, 2005, consenting to the motions and acknowledging that the additional time afforded by the continuance will be excluded from the computations under the Speedy Trial Act.

IT IS ORDERED:

1. The government's motion (Filing No. 57), defendant John Palma's motion (Filing No. 58) and defendant Kathleen Palma's oral motion are granted.

2. Trial of this matter is re-scheduled for **December 6, 2005**, before Judge Laurie Smith Camp and a jury. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motions, i.e., the time between **October 17, 2005 and December 6, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 17th day of October, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge